

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 v. : Crim. No. 11-
 :
 DANIEL SPITLER : 18 U.S.C. §§ 371 & 1028(a)(7),
 : & § 2
 :

I N F O R M A T I O N

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

COUNT ONE

(Conspiracy to Access a Computer Without Authorization)

1. At all times relevant to this Information:
 - a. Defendant DANIEL SPITLER resided in California, and was a member of an organization called Goatse Security ("Goatse").
 - b. Co-conspirator A.A. resided in Arkansas, and was a member of Goatse.
 - c. Goatse served as a loose association of Internet hackers (individuals who accessed sites and information to which they did not have legitimate access) and so-called "trolls" (individuals who intentionally, and without authorization, disrupt services and content on the Internet). The Goatse Security website provided a hyperlink to the

website of an organization referred to as the "GNAA."

- d. The GNAA website states that "[t]his website is maintained by the GNAA, world-famous trolling organization." The GNAA website provided hyperlinks to the Goatse Security website, as well as to A.A.'s LiveJournal weblog.
- e. The iPad, introduced to the market on or about January 27, 2010, was a device developed and marketed by Apple Computer, Inc. It was a touch-screen tablet computer, roughly the size of a magazine. The iPad allowed users to, among other things, access the Internet, send and receive electronic mail, view photographs and videos, read electronic books, word-process, and create spreadsheets and charts.
- f. iPad users could access the Internet using both Wi-Fi and the 3G wireless network.
- g. AT&T Communications, Inc. ("AT&T") was an interexchange carrier and long distance telephone company headquartered in Bedminster, New Jersey.
- h. AT&T's servers were "protected computers" as defined in Title 18, United States Code, Section 1030(e)(2).

- i. Among other things, AT&T provided certain iPad users with Internet connectivity via AT&T's 3G wireless network.
- j. iPad 3G users who wished to subscribe to the AT&T 3G network had to register with AT&T. During the registration process, the user was required to provide, among other things, an e-mail address, billing address, and password.
- k. The iPad 3G user e-mail addresses, billing addresses, and passwords were not available to the public and were kept confidential by AT&T.
- l. At the time of registration, AT&T automatically linked the iPad 3G user's e-mail address to the Integrated Circuit Card Identifier ("ICC-ID") of the user's iPad, which was a 19 to 20 digit number unique to every iPad (specifically, unique to the Subscriber Identity Module ("SIM") card in the iPad).
- m. Due to this feature, each time a user accessed the AT&T website, the user's ICC-ID was recognized and, in turn, the user's e-mail address was automatically populated. This allowed the user speedier and more user-friendly access to the network.

- n. The ICC-IDs were not available to the public and were kept confidential by AT&T.

GOATSE SECURITY

2. A.A., as the self-professed spokesman for Goatse, has previously been public and outspoken about his trolling activities. For example:

- a. In an August 3, 2008 interview with *The New York Times*, A.A. admitted: "I hack, I ruin, I make piles of money. I make people afraid for their lives. Trolling is basically Internet eugenics. I want everyone off the Internet. Bloggers are filth. They need to be destroyed. Blogging gives the illusion of participation to a bunch of retards. . . . We need to put these people in the oven!"
- b. Likewise, in an interview with the website *Corrupt* in August 2008, A.A. stated: "The security industry does not work against hackers. Security is a myth, there is no system that cannot be broken. . . . For the companies I've targeted, I've showed up at their parties and given some friendly greetings to bask in the looks of disgust and disdain. I take credit and responsibility for my actions."

3. According to the Goatse Security website, the Goatse Security "Team" included eight members, among whom were A.A. and defendant SPITLER, who was also known as "JacksonBrown."

4. The Goatse Security website described A.A. as having "[e]xtensive offensive web app[lication] vuln[erability] and business logic exploitation experience. Bash while drunk, perl while tripping, Ruby while living in SF SoMa. Representing antisecc, Bantown and Encyclopedia Dramatica. President of the GNAA." Defendant SPITLER was described as an "embedded and mobile devices engineer. PPC assembly. GNAA, obviously."

THE CONSPIRACY

5. From on or about June 2, 2010 through on or about June 15, 2010, in the District of New Jersey, and elsewhere, defendant

DANIEL SPITLER

knowingly and intentionally conspired with A.A. and others to access a computer without authorization and to exceed authorized access, and thereby obtain information from a protected computer, namely the servers of AT&T, in furtherance of a tortious act in violation of the Constitution and laws of the State of New Jersey, namely, N.J.S.A 2C:20-31(a), contrary to Title 18, United States Code, Sections 1030(a)(2)(C) and 1030(c)(2)(B)(ii).

OBJECTS OF THE CONSPIRACY

6. The objects of the conspiracy were for defendant SPITLER, A.A., and others to cause monetary and reputational damage to AT&T and to create monetary and reputational benefits for themselves.

MANNER AND MEANS OF THE CONSPIRACY

A. The Account Slurper

7. Prior to mid-June 2010, when an iPad 3G communicated with AT&T's website, its ICC-ID was automatically displayed in the Universal Resource Locator, or "URL," of the AT&T website in plain text. Seeing this, and discovering that each ICC-ID was connected to an iPad 3G user e-mail address, hackers, including defendant SPITLER and A.A., conspired to write, and did write, a script termed the "iPad 3G Account Slurper" (the "Account Slurper") and deployed it against AT&T's servers.

8. The Account Slurper attacked AT&T's servers for several days in or around June 2010, and was designed to harvest as many ICC-ID/e-mail address pairings as possible. It worked as follows:

- a. The Account Slurper was designed to mimic the behavior of an iPad 3G so that AT&T's servers were fooled into believing that they were communicating with an actual iPad 3G and wrongly granted the Account Slurper access to AT&T's servers.

b. Once deployed, the Account Slurper utilized a process known as a "brute force" attack - an iterative process used to obtain information from a computer system - against AT&T's servers. Specifically, the Account Slurper randomly guessed at ranges of ICC-IDs. An incorrect guess was met with no additional information, while a correct guess was rewarded with an ICC-ID/e-mail pairing for a specific, identifiable iPad 3G user.

9. From on or about June 5, 2010 through on or about June 9, 2010, the Account Slurper attacked AT&T's servers, gained unauthorized access to those servers, and ultimately stole for its hacker-authors, including defendant SPITLER and A.A., approximately 120,000 ICC-ID/e-mail address pairings for iPad 3G customers. This was done without the authorization of AT&T, Apple, or any of the individual iPad 3G users.

10. Neither defendant SPITLER, nor A.A., nor any other member of Goatse notified any victim of the breach.

B. A.A. and Goatse Security Take Credit for the Breach

11. On or about June 9, 2010, immediately following the theft, the hacker-authors of the Account Slurper provided the stolen e-mail addresses and ICC-IDs to the website Gawker. Gawker was an internet magazine. Gawker proceeded to publish on its website the stolen information, though in redacted form, as

well as an article concerning the breach (the "Gawker Article").

12. Also on or about June 9, 2010, A.A. made an entry on his LiveJournal weblog, which read, in pertinent part: "Oh hey, my security consulting group just found a privacy breach at AT&T[.]" LiveJournal was a social networking website on which users could set up personal weblogs and post messages. Once a weblog had been created, only the user of that weblog could post messages and content on that weblog. The post further linked to the Gawker Article and stated: "[T]his story has been broken for 15 minutes, twitter is blowing the f[***] up, we are on the forntpage [sic] of google news and we are on drudge report (the big headline)[.]" The "User Profile" for the LiveJournal weblog, <http://weev.livejournal.com>, listed the user as "weev" with the name "Escher [A.]."

13. On or about June 10, 2010, the website CNET published an article titled, "Hacker defends going public with AT&T's iPad data breach (Q&A)." The article reported: "On Thursday, CNET talked to a key member of Goatse - Escher [A.], also known as 'Weev' - about the group and what motivates them." In the article, a question and answer dialog was presented, including the following:

Q: So, one of your members had an iPad and noticed this strange interaction with the AT&T Web site?
A: He used this AT&T security maintenance app. It was part of the normal user experience that tipped him off to something that would allow him to scrape this data.
Q: Then a script was written to do an automated brute

A: force, right?
Correct.

C. The Internet Relay Chats

14. On or about June 15, 2010, during the execution of a Court-authorized search warrant, A.A. agreed to speak with federal law enforcement officers and stated, among other things, that he and the other members of Goatse Security often communicated with one another using an online medium known as Internet Relay Chat, or "IRC."

THE CHATS

a. June 5, 2010: Exploiting the Breach

15. On or about June 5, 2010, defendant SPITLER was chatting with fellow Goatse members "Nstyr" and "Pynchon." The three considered the possible benefits of harvesting ICC-ID/e-mail pairings.

SPITLER: if you enter valid ICCIDs in this website you can get iPad subscriber email addresses I dont see the point unless we phish¹ for passes [passwords] even then that's boring

Nstyr: data minig *minig you could put them in a database for spamming for example sell them to spammers. . .

SPITLER: tru iPad focused spam

Pynchon: harvest all the emails then expose it publicly

SPITLER: hahaha

Pynchon: tarnish at&t

SPITLER: true

¹ "Phishing" involved sending e-mails to users falsely claiming to be an established, legitimate enterprise in an attempt to scam the users into surrendering private information that would be used for identity theft.

Nstyr: or sell if for thousands to the biggest spammers

16. Later that day, defendant SPITLER reported the following to A.A.:

SPITLER: I just harvested 197 email addresses of iPad 3G subscribers there should be many more . . . weev: did you see my new project?

A.A.: no

SPITLER: I'm stepping through iPad SIM ICCIDs to harvest email addresses if you use someones ICCID on the iPad service site it gives you their address

. . .

A.A.: loool thats hilarious HILARIOUS oh man now this is big media news . . . is it scriptable? arent there SIM that spoof iccid?²

SPITLER: I wrote a script to generate valid iccids and it loads the site and pulls an email

. . .

A.A.: this could be like, a future massive phishing operation serious like this is valuable data we have a list a potential complete list of AT&T iPhone subscriber emails

SPITLER: iPad but yeah

17. When defendant SPITLER announced that he was "in a rut" and having difficulty determining additional ICC-ID/e-mail pairings, A.A. assisted, offering: "SIM cards may be allocated by geographic region, either for number administration or network planning reasons. The method of payment (pre-paid, post-paid) may be allocated on the SIM cards. . . . so sims are definitely preallocated either by geographic region sales channels, service providers or MVNOs question is who allocates them . . . probably AT&T suballocates free IDs to Apple hopefully not at random . . . otherwise we have a real big space to search[.]"

² "LOL" and its variants stand for laughing out loud.

18. On or about June 5, 2010, and again the following day, A.A. encouraged defendant SPITLER to amass as many ICC-ID/e-mail pairings as possible, writing: "if we can get a big dataset we could direct market ipad accessories[.]" Likewise, after learning that defendant SPITLER had collected "625 emails," A.A. wrote: "takes like, millions to be profitable re: spam but thats a start[.]"

b. June 6, 2010: Collecting Stolen E-Mails

19. Responding to A.A.'s encouragement, on or about June 6, 2010, defendant SPITLER reported:

SPITLER: I hit f[***]ing oil
A.A.: looooool nice
SPITLER: If I can get a couple thousand out of this set where can we drop this for max lols?
A.A.: dunno i would collect as much data as possible the minute its dropped, itll be fixed BUT valleywag i have all the gawker media people on my facecrook friends after goin to a gawker party

20. As defendant SPITLER uncovered additional ICC-ID/e-mail pairings, he continued speaking with A.A. about releasing the information to the press and, related, the legality of the data breach:

SPITLER: do I got to get involved
A.A.: no
SPITLER: I'd like my anonaminity
A.A.: alright
SPITLER: sry dunno how legal this is or if they could sue for damages
A.A.: absolutely may be legal risk yeah, mostly civil you absolutely could get sued to f[***]

SPITLER: D8³

A.A.: alright i can wrangle the press just get me the codes and whatnot show me how to run this thing

21. Defendant SPITLER then proceeded to provide the script to A.A., writing: "heres the script you run it php [redacted]"

22. As defendant SPITLER and A.A. were conversing, another Goatse Security member, "Rucas," offered his advice on how best to use the ICC-ID/e-mail address pairings, stating: "dont go to the press sell the list to competitors . . . i just had an idea send out at&t phishing e-mails to all these idiots with an ipad trojan[.]"

23. As the data breach continued, A.A. wrote to defendant SPITLER: "if we get 1 reporters address with this somehow we instantly have a story . . . the best way to have a leadin on it . . . HI I STOLE YOUR EMAIL FROM AT&T WANT TO KNOW HOW?"

24. Defendant SPITLER then proceeded to provide A.A. with an ICC-ID and e-mail address for a member of the Board of Directors at News Corporation. A.A. sent an e-mail to that Board member, which read in relevant part:

"An information leak on AT&T's network allows severe privacy violations to iPad 3G users. Your iPad's unique network identifier was pulled straight out of

³ The phrase "D8" means "balls deep," i.e., to be deeply involved in an activity or to perform an activity to the fullest extent possible.

AT&T's database We have collected many such identifiers for members of the media and major tech companies If a journalist in your organization would like to discuss this particular issue with us[,] I would be absolutely happy to describe the method of theft in more detail."

25. As the data breach continued, so too did the discussions between defendant SPITLER and A.A. and other Goatse Security members about the best way to take advantage of the breach and associated theft:

Pynchon: hey, just an idea delay this outing for a couple days tommorrow short some at&t stock then out them on tuesday then fill your short and profit

Rucas: LOL

A.A.: well i will say this it would be against the law . . . for ME to short the att stock but if you want to do it go nuts

SPITLER: I dont have any money to invest in ATT

. . .

A.A.: if you short ATT dont let me know about it

SPITLER: IM TAKIN YOU ALL DOWN WITH ME SNITCH HIGH EVERY DAY

c. June 7, 2010: Identifying Information from 100,000 Victims Stolen

26. After defendant SPITLER announced that he had stolen over 100,000 ICC-ID/e-mail address pairings, A.A. stated: "the more email addresses we get . . . the more of a freakout we can cause if nothing else we can pack these into a [database] . . . and do a mail merge and mail EVERYONE with an ipad 3g 1 o 1[.]" To that, defendant SPITLER responded simply: "lawlwla[.]"

d. June 9, 2010: Hiding Evidence and Burnishing Goatse's Reputation

27. After the Gawker Article was published, defendant

SPITLER stated he had "post-troll paranoia" and solicited advice from other Goatse Security members about how to avoid detection. "Rucas" offered the following: "what i'd do RIGHT NOW is open your router reset default passwords turn off wep etc that gives you some sort of plausible deniability that it was actually YOU using your internet if you can see other wireless networks in your area use their SSID that way idiots on xp will automatically connect to yours sometime and you can show that there are people who are NOT YOU on your network[.]"

28. Defendant SPITLER and Goatse member "Rucas" then stated:

Rucas: remember this key phrase
SPITLER: again
Rucas: "I DON'T KNOW ANYTHING. I AM INVOKING MY
MIRANDA RIGHT TO REMAIN SILENT."
SPITLER: this Ian criminal isn't
Rucas: it is
SPITLER: no
Rucas: why isn't it why don't you think it is
SPITLER: cause I ddnt hack anything
Rucas: sure you did you did the exact same thing as
changing a username in a url to gain access to a protected
site
.
.
.
Rucas: you crossed state lines with ur packets so
it's a federal crime
SPITLER: tri tru

29. Later that day, defendant SPITLER, A.A., and other Goatse Security members discussed who in the press had disclosed the data breach to AT&T, since, contrary to the Gawker Article, neither defendant SPITLER, nor anyone from Goatse

Security had. Indeed, A.A. admitted as much to "Nstyr:"

Nstyr: you DID call tech support right?
A.A.: totally but not really
Nstyr: lol
A.A.: i dont f[***]in care i hope they sue me

30. Related, defendant SPITLER and Goatse member Jenk stated:

SPITLER: I bet [the publisher of the *San Francisco Chronicle*] leaked us to AT&T [the publisher] is prob regretting not breaking the story acting like sf chron is a real paper still with integrity⁴
Jenk: lol
SPITLER: or it wa all those reuters employees
. . .
Nstyr: you should've uploaded the list to full disclosure maybe you still can
A.A.: no no that is potentially criminal at this point we won
Nstyr: ah
A.A.: we dropepd the stock price
Nstyr: I guess
A.A.: lets not like do anything else we f[***]ing win and i get to like spin us as a legitimate security organization

e. June 10, 2010: Destroying Evidence

31. On or about June 10, 2010, defendant SPITLER and A.A. had the following conversation during which they discussed destroying evidence of their crime:

A.A.: i would like get rid of your shit like are we gonna do anything else with this data?
SPITLER: no should I toss it?
A.A.: i dont think so either might be best to toss
SPITLER: yeah, I dont really give a fuck about it the

⁴ In addition to the e-mail sent to the Board member at Newscorp., A.A. sent similar e-mails to the *San Francisco Chronicle* and Thomson-Reuters.

troll is done

A.A.: yes we emerged victorious

SPITLER: script is going byebye too

32. As a result of the above conspiratorial acts, AT&T, among others, suffered losses.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

(Fraud in Connection with Personal Information)

1. Paragraphs 1 through 6 and 9 through 34 of Count One of this Information are hereby alleged and incorporated as though set forth in full herein.

2. From on or about June 2, 2010 through on or about June 15, 2010, in the District of New Jersey, and elsewhere defendant

DANIEL SPITLER

knowingly transferred, possessed, and used, without lawful authority, means of identification of other persons, including means of identification of New Jersey residents, in connection with unlawful activity, specifically, the unlawful accessing of AT&T's servers contrary to Title 18, United States Code, Section 1030(a)(2)(C).

In violation of Title 18, United States Code, Sections 1028(a)(7) and Section 2.


PAUL J. FISHMAN
UNITED STATES ATTORNEY